

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference JM03001WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/008181	International filing date (day/month/year) 22.07.2004	Priority date (day/month/year) 25.07.2003	
International Patent Classification (IPC) or national classification and IPC C03C25/26, C03C25/28			
Applicant JOHNS MANVILLE EUROPE GMBH			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/008181

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-8 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 nos. 1-9 as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____

the drawings:
 sheets _____ as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/008181

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	2, 5, 7, 9	YES
	Claims	1, 3, 4, 6, 8	NO
Inventive step (IS)	Claims		YES
	Claims	1-9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Documents

Reference is made to the following documents:

D1: DE 198 18 046 A (SCHULLER GMBH) 28 October 1999

D2: DE 34 47 213 A (BAYER AG) 26 June 1986

2. Subject matter of the application

Claim 1 specifies a size for glass fibres, consisting substantially of a film former, an adhesive, an organic acid and water. According to claims 2, 3 and 4, the film former is polyvinylpyrrolidone, the adhesive is γ -aminopropyltriethoxysilane, and the acid is acetic acid. Subclaims 5-7 specify certain weight proportions and the pH.

Claim 8 specifies glass fibres provided with the size.

Claim 9 specifies etching fibres provided with the size.

3. Novelty

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1, 3, 4, 6 and 8 is not novel (PCT Article 33(2)) for the following reasons.

D1 (see the claims) describes a size for glass fibres,

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consisting substantially of a film former (polyvinylpyrrolidone and polyamidoamide), an adhesive (γ -aminopropyltriethoxysilane), acetic acid (for adjusting the pH value to 4, 5- 6) and water.

The use as an etching fibre is not mentioned in **D1**.

D1 therefore describes all the features of claims 1, 3, 4, 6 and 8.

The subject matter of claims 2, 5, 7 and 9 is novel over **D1**.

4. Inventive step

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 2, 5, 7 and 9 do not involve an inventive step (PCT Article 33(3)) for the following reasons:

4.1 The subject matter of claim 2 differs from **D1** in that polyvinylpyrrolidone is used as the single film former, instead of in combination with polyamidoamide.

The size according to claim differs from the size known from **D1** only in that a second film former has been omitted. Apart from the fact that this of course simplifies the design of the size, the omission of these components clearly means nothing more than that the effects associated with these components now no longer occur with the size according to claim 2. Such a simplification does not involve an inventive step (PCT Article 33(3)).

4.2 The subject matter of claims 5 and 7 differs from **D1** in that the size contains less film former.

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These features are only one of a number of specific concentrations from which a person skilled in the art would choose according to the circumstances so as to solve the problem of interest.

4.3 The subject matter of claim 9 differs from **D1** in that the sized glass fibres are used as etching fibres. Glass fibres have already been used for this purpose – cf. **D2**, in particular the claims. It was therefore obvious for a person skilled in the art to use the sized glass fibres as per **D1** as etching fibres and to arrive in this way at the subject matter of claim 9.